

Remarks

Claims 1 to 13 will be cancelled and claims 14 to 34 will be pending in the application following entry of this amendment. The amendment to the specification is being made to update the priority data. Applicants respectfully submit that no new prohibited matter has been introduced by the amendments to the specification and to the claims. While written description support for the claims can be found throughout the specification, examples of specific support for the claim amendments can be found in the specification as set forth in the table below.

Claim No.	Support in Specification
14, 15, 16	page 11, lines 7 to 8
14, 17, 18	page 12, lines 15 to 24
14, 19	page 12, lines 25 to 28
14, 20, 21	page 6, lines 26 to 28
14, 22, 23	page 11, lines 16 to 18
14, 24, 25	page 11, line 19
26	page 12, lines 5 to 9
27	page 14, lines 8 to 9
28	page 14, lines 8 to 14
29, 30	page 13, lines 11 to 12
31	page 13, lines 15 to 16
32	page 13, lines 19 to 26
33	page 13, line 16
34	page 13, lines 12 to 13

Restriction Requirement Under 35 U.S.C. 121

In response to the Restriction Requirement **Applicants hereby elect to prosecute the claims of Group I (claims 1 to 5, drawn to an isolated DNA of SEQ ID NO: 1 or encoding SEQ ID NO: 3, expression vector and isolated host cell) with traverse.** With regard to the traversal, Applicants submit that the claims in Group II should also be examined because the Office has previously waived the requirements under 37 C.F.R. 1.141 for applications containing claims directed to nucleic acid sequences. Therefore, under this procedure up to ten independent nucleic acid sequences can be examined in a single application (see, MPEP 803.04). In view of these facts, Applicants request that the subject matter of Group II (SEQ ID NO: 2) be examined along with SEQ ID NO: 1 in the present application.

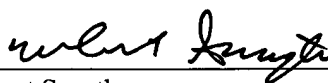
Furthermore, Applicants submit that the new claims (claims 14 to 34) all constitute subject matter encompassed in Group I directed to the isolated nucleic acid of SEQ ID NO: 1 and that further restriction of the new claims is not necessary. With regard to the method claim (claim 33), Applicants submit that

this claim is obvious in view of the claims directed to SEQ ID NO: 1 and furthermore, the claimed nucleic acid (SEQ ID NO: 1) cannot be made by a materially different process, and thus the substitute claims constitute a single invention (see, MPEP 806.05(f)).

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,
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